

MINNESOTA STATUTES 1953 ANNOTATIONS

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CLERKS OF DISTRICT COURT 485.012

486.05 makes a similar provision for the court reporter. This reimbursement covers the actual expenses and is not a payment of mileage at any statutory rate. OAG Oct. 11, 1949 (141-D-7) (129).

It is difficult to state comprehensively the exact nature of a court. It is an instrument of government. It is a creation of the law, and in some respects it is an imaginary thing existing only in legal contemplation somewhat similar to a corporation. To attain the ends to be achieved as the result of the creation of a court, much is left to the discretion of the court. Without this discretion a court would be governmental machinery impotent to do justice. Discretion is limited only by the provision that it shall not be arbitrarily exercised. Courts have the inherent power to prescribe such rules of practice and rules to regulate their proceedings and facilitate the administrative justice as they deem necessary.

Under the provisions of section 484.54, the traveling expenses of a judge attending the conferences relating to rules, creation of a juror's manual, and the like, may be paid, if in the discretion of the court the expenses were incurred in the public interest. OAG July 3, 1950 (141-D-7).

Section 484.54 controls reimbursement to a district judge for railway, traveling, hotel and other expenses therein specified and any rule issued by the commissioner of administration inconsistent therewith is ineffectual. OAG Feb. 23, 1951 (141-D-7).

There is no statutory provision for payment by the county of the travel expenses of a district judge while acting as a juvenile court in attending a juvenile court conference. OAG Aug. 6, 1952 (141-D-7).

Whether a judge of the district court may be repaid for his expenses in attending a meeting of the advisory council of a state board of parole which was considering policy matter affecting probation, is a question of fact of which the judges themselves must be the better judge. If they decide that it is a part of their official duties, they are entitled to ask for and receive payment of their expenses. OAG Jan. 27, 1953 (141-D-7).

484.55 DEPUTY CLERKS, CERTAIN COUNTIES

HISTORY. 1953 c 214 s 1.

CHAPTER 485

CLERKS OF DISTRICT COURT

485.01 ELECTION, BOND, DUTIES

The office of deputy clerk of the district court and deputy county treasurer are incompatible. The same person cannot hold both offices. OAG Jan. 20, 1950 (358-B-1).

Papers delivered to the clerk for filing and keeping must be placed where they may be readily found so that the fact of filing may be discovered upon examination by one interested in the subject. OAG Feb. 8, 1949 (850-I).

485.011 SALARIES, COUNTIES OF LESS THAN 60,000

HISTORY. 1909 c 335 s 1; GS 1913 s 236; 1943 c 191 s 1; 1953 c 295 s 1.

485.012 CLASSIFICATION, COUNTIES

HISTORY. 1909 c 335 s 2; 1913 c 511 s 1; GS 1913 s 237; 1943 c 191 s 2; 1953 c 295 s 2.

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485.013 CLERKS OF DISTRICT COURT

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485.013 COMPENSATION

HISTORY. 1865 c 64 s 1; GS 1866 c 70 s 2; 1877 c 120 s 5; 1878 c 50 s 1; GS 1878 c 70 s 2; 1883 c 48 s 1, 2; 1885 c 101; 1889 c 160 s 1; 1893 c 181 s 1; GS 1894 s 5538; 1897 c 19; 1901 c 246; RL 1905 s 2694; 1909 c 335 s 3; GS 1913 s 238; 1919 c 229 s 1; 1943 c 191 s 3; 1953 c 195 s 3.

The clerk may not, during a year, from time to time, obtain installment of the amount guaranteed under section 485.013. He must await the end of the year. OAG Feb. 25, 1948 (144-A-4).

An increase in the salary of the clerk of district court, if granted, should be in a fixed, stated amount and should be added to the salary prescribed by this act, and the aggregate of the two figures would then be the yearly salary of the clerk, which should be paid in periodic installments. OAG Dec. 16, 1949 (144-A-4).

Section 485.013 merely prescribes minimum compensation for a district court clerk in those counties to which the statute is applicable; and the clerk may retain the excess should his salary, plus fees, exceed \$2,000 annually. OAG Dec. 27, 1949 (144-A-4).

Laws 1949, Chapter 149, affects only the provisions of section 279.24. It does not modify the limitation found in section 485.13. OAG June 15, 1949 (144-B-5).

The clerk is not entitled to a commission for handling a deposit made by the county to settle a claim due a contractor. OAG June 19, 1950 (144-B-7).

The clerk receives no fees from the county in condemnation proceedings instituted by the county. OAG May 17, 1950 (144-B-12).

In proceedings to determine paternity of illegitimate children the clerk's fees may be attached and included in the judgment. OAG June 3, 1953 (840-C-3).

485.015 RAMSEY COUNTY, DEPUTIES

HISTORY. 1911 c 80 s 1; 1913 c 190 s 1; GS 1913 s 231; 1915 c 83 s 1; 1919 c 304 s 8; 1921 c 336 s 9; 1923 c 307 s 6; 1927 c 420 s 5; 1929 c 306 s 1; 1937 c 157; 1939 c 297; 1949 c 74 s 1; 1949 c 197 s 1; 1953 c 489 s 1.

485.016 SALARIES

HISTORY. 1945 c 568 s 1; 1947 c 605 s 1, 2; 1951 c 254 s 1.

Fees received by the clerk of the district court for handling drivers licenses are required to be included in the statement of fees and emoluments, but fees in naturalization proceedings or for serving as a member of the board of audit, may not be included. OAG Aug. 4, 1952 (144-A-4).

485.017 SALARIES IN CERTAIN COUNTIES

HISTORY. 1945 c 518 s 1, 2; 1951 c 502 s 1.

485.02 MONEY PAID INTO COURTS; FEES

HISTORY. RS 1851 c 8 art 11 s 3; PS 1858 c 7 s 121; GS 1866 c 8 s 225; GS 1878 c 8 s 257; 1879 c 72; GS 1894 s 856; RL 1905 s 107; GS 1913 s 220; 1921 c 178; 1937 c 188 s 1.

NOTE: To extent inconsistent this section is superseded, in respect to practice and procedure in the district courts, by the Rules of Civil Procedure, Rules 67.04, 86.01, 86.02, and Appendix B (1), (2).

Section 485.02 does not apply to moneys paid into court by the county for amounts due the contractor under contract with the commissioner of highways. OAG June 19, 1950 (144-B-7).

Fees in a condemnation proceedings and not enumerated in section 357.02, must be fixed both as to items and amount by the judge in whose court the condemnation

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COURT REPORTERS 486.01

proceedings are pending before the clerk of court may legally make a charge. There must be a court order. OAG Aug. 11, 1953 (144-B-18).

The clerk of the district court is entitled to a commission only in those cases where the money is paid into court to abide the result of legal proceeding. He is not entitled to a commission on the "missing" owner's share of the proceeds of a sale under an action in partition deposited with the clerk for investment under provisions of section 558.29. OAG Sept. 21, 1953 (144-B-9).

485.03 DEPUTIES

HISTORY. RS 1851 c 8 art 11 s 6, 7; PS 1858 c 7 s 124, 125; GS 1866 c 8 s 227, 228; 1877 c 12 s 1; GS 1878 c 8 s 259, 260; GS 1894 s 859, 860; RL 1905 s 108; GS 1913 s 221.

The office of deputy clerk of district court and the office of deputy county treasurer cannot be held by the same person. OAG Jan. 20, 1950 (358-B-1).

The office of clerk of the district court and court commissioner are not incompatible. OAG Feb. 28, 1952 (358-B-1-A).

A deputy clerk appointed by the clerk of the district court with the approval of the judge may be removed by the clerk. OAG April 30, 1952 (144-A-1).

485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION

The right to inspect public records is statutory, and while the records in the office of the clerk of the district court are public records it is for the clerk to determine the manner and times when the records in his office may be inspected and examined. Sections 15.17, 257.31, and 259.09 restrict but do not abrogate or nullify section 485.06. OAG Feb. 8, 1949 (851-I).

485.07 BOOKS TO BE KEPT

HISTORY. RS 1851 c 71 s 72, 78; RS 1851 c 82 s 40; PS 1858 c 61 s 72, 78; PS 1858 c 72 s 40; GS 1866 c 8 s 229; GS 1878 c 8 s 261; 1883 c 28 s 1; 1887 c 48 s 1; GS 1894 s 861; RL 1905 s 110; GS 1913 s 223.

CHAPTER 486

COURT REPORTERS

486.01 APPOINTMENT; SECRETARIAL DUTIES; BOND

State and federal income tax statutes, notable differences. 38 MLR 1.

The practice in American courts of making a verbatim record of the proceedings affords an interesting illustration of how a procedural technique, which when superficially viewed seems to pertain merely to mechanical routine, can exert a vital and even dominating influence on the formulation of the philosophy of adjudication as well as on day-by-day judicial administration. The practice of recording verbatim exerts a profound influence on the conduct of the trial, whether by court alone or by court and jury; the relationships between the trial judge and participating counsel; the procedure for review of the trial by the trial judge; and appellate review, including the feasibility of seeking such review and the nature, scope and potential achievements thereof. Verbatim recording is a dominant reason for the extensive review of the facts available in American appellate procedure. In at least some of the European countries such recording seems to be unknown. Only in recent years has English practice made provision for official shorthand notes of trials.